

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION
AND LIABILITY ACT (CERCLA)

14-45. Brownfields Revitalization Funding

1. AUTHORITY. To exercise the Agency's authority pursuant to Sections 101(39) and 104(k) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, and Executive Order 13308.
 - a. To make determinations and take other actions necessary to approve grants:
 - i. To eligible entities for programs to inventory, characterize, assess, and conduct planning related to one or more brownfield sites;
 - ii. To eligible entities for capitalization of brownfield remediation revolving loan funds;
 - iii. To eligible entities and non-profit organizations for remediation of one or more brownfield sites; and
 - iv. To eligible entities and non-profit organizations to provide training, research and technical assistance to individuals and organizations to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement or site preparation, and where applicable, to approve providing these services directly through contracts, interagency agreements, and other authorized means.
 - b. To publish guidance for grant applications under Section 104(k)(5)(a)(iii).
 - c. To perform targeted site assessments at brownfields sites under Section 104(k)(2)(A)(ii).
2. TO WHOM DELEGATED. The Director, Hazardous Site Cleanup Division (HSCD), Associate Director, Office of Brownfields and Outreach, HSCD, and the Chief of the Brownfields and Land Revitalization Branch, HSCD are delegated the authorities described in paragraphs 1.a and 1.c above.
3. LIMITATIONS.
 - a. The delegates must obtain the concurrence of the Assistant Administrator for Solid Waste and Emergency Response (AA/OSWER) or his/her designee prior to exercising the authority in paragraph 1.a above. This limitation does not restrict the authority of delegates provided under EPA Delegation 1-14 to execute and administer grants approved by the AA/OSWER.
 - b. The delegates must make determinations under paragraph 1.a.i, ii, or iii, regarding the eligibility of entities in consultation with the Assistant Administrator for Enforcement and Compliance Assurance (AA/OECA) or his/her designee. The AA/OECA or his/her designee may waive, in whole or in part, this limitation by memorandum.

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14-45. Brownfields Revitalization Funding (Continued)

c. The delegates must make determinations regarding the eligibility of brownfields sites in consultation with the AA/OECA or his/her designee. The AA/OECA or his/her designee may waive, in whole or in part, this limitation by memorandum.

d. The delegates must make determinations regarding the eligibility of targeted brownfields assessment sites in consultation with the AA/OECA or his/her designee. The AA/OECA or his/her designee may waive, in whole or in part, this limitation by memorandum.

e. This authority shall be exercised subject to approved funding levels.

4. REDELEGATION AUTHORITY. The authorities in paragraphs 1.a and 1.c above, may not be further redelegated.

5. ADDITIONAL REFERENCES.

a. The Federal Grant and Cooperative Agreement Act of 1977, 31 U.S.C. Sections 6301 et seq.

b. EPA Order 5700.1, Policy for Distinguishing Between Assistance and Acquisition.

c. 40 CFR Part 30, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations."

d. 40 CFR Part 31, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."

e. EPA Delegation 1-14, Assistance Agreements.

f. Executive Order 13308, June 20, 2003.

Date: 4/22/08

/s/ Donald S. Welsh
Donald S. Welsh
Regional Administrator

Exercise of Authority to Conduct
Targeted Site Assessment at a Brownfield Site

Pursuant to the authority provided to me under the Regional Delegation 14-45, I hereby exercise my authority to take all necessary actions to perform a targeted site assessment at the _____ [identify property], a Brownfield site in EPA Region 3, by directing my staff to perform such assessment.

Date

[Signature of Office Director]